IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23492 of 2004

Between:

B.S. Laxmi Devi, W/o B.S. Pullaiah,
Thogarchedu Village,Panyam Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings in Rc.E.825/2004 dt. 3-11-2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

Petitioner was issued a Show-Cause Notice, dated 07.09.2004, directing her to explain as to why her authorization shall not be cancelled. On the ground that the petitioner did not submit her explanation, 2nd respondent suspended her authorization, through proceedings dated 03.11.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent together with an application for grant of stay. The grievance of the petitioner is that the 1st respondent has not passed any orders so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

From a perusal of the order of suspension, dated 03.11.2004, it is evident that though the petitioner was issued a show-cause notice, dated 07.09.2004, she did not choose to submit her explanation. Learned counsel for the petitioner submits that the show-cause notice was served upon her only on 16.09.2004, and soon thereafter, necessary records were submitted before the 2nd respondent. It is not as if the petitioner was required to submit her explanation within a particular date, and that the notice was served upon her beyond that date. She was required to submit her explanation within seven days from the date of receipt of notice. She could certainly have submitted her explanation within that period. It is true that she was given an opportunity to appear before the 2nd respondent on 16.09.2004. The fact that the notice was served on 16.09.2004, does not justify the inaction on the part of the petitioner to submit her explanation. Therefore, this Court is not inclined to grant any relief to the petitioner, at this stage. When the same is pointed out to the learned counsel, he made a request to this Court to issue a direction to the 2nd respondent himself to conclude the enquiry against the petitioner, within a reasonable time, instead of directing the 1st respondent to dispose of the appeal.

For the foregoing reasons, the writ petition is disposed of directing that the 2nd respondent shall conclude the proceedings initiated by him against the petitioner, within six weeks from the date of receipt of a copy of this order. It shall be open to the petitioner to submit her explanation, if the same is not submitted as yet and to place such material as she intends to. In this view of the matter, it shall not be necessary

for the 1st respondent to pass any order nor would it be necessary for the 2nd respondent to await the outcome of the same. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 20th December, 2004

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To

1 The Joint Collector, Kurnool.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.

3 2 CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).

4 2CD copies